

1001 G Street, N.W.
Suite 500 West
Washington, D.C. 20001
tel. 202.434.4100
fax 202.434.4646

Writer's Direct Access
Timothy A. Doughty
(202) 434-4271
doughty@khlaw.com

July 22, 2019

Via ECFS

Marlene J. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington, DC 20554

**Re: Commonwealth Edison Company's Second Set of Responses to
Complainant Crown Castle Fiber LLC's First Set of Interrogatories
(Proceeding Number 19-169; Bureau ID Number EB-19-MD-004)**

Ms. Dortch:

Please find attached Commonwealth Edison Company's Second Set of Responses to Complainant Crown Castle Fiber LLC's First Set of Interrogatories in Proceeding Number 19-169; Bureau ID Number EB-19-MD-004.

Sincerely,



Timothy A. Doughty
Attorney for Commonwealth Edison Company

Enclosures

cc: Lisa Saks, Enforcement Bureau
Anthony DeLaurentis, Enforcement Bureau

RESPONSE: Consistent with and without waiving its June 26, 2019 Objections, ComEd has a database containing information about its poles that have been inspected. The information in the database is entered by Osmose Utility Services, Inc., to which ComEd has outsourced its pole inspections. Osmose relies on its own load calculation software when inputting the information into the database. The information contained in the database is confidential and ComEd cannot

and does not provide such sensitive information about its pole plant to outside parties. The documents in the database contain information such as inspection methods, wood species, original treatment type, setting medium, accessibility, presence of other underground facilities, pole height, electric capacity, effective circumference, pole defects (e.g., splits, woodpecker holes, cracks), service attachments, the impact on electric distribution customers, and other factors.

INTERROGATORY NO. 2:

Describe the criteria or standards, including pole strength and structural integrity, that ComEd uses during pole inspections to determine whether a pole is classified as a Priority Non-Restorable (Replacement) Reject Pole, Non-Priority Non-Restorable (Replacement) Reject Pole, Priority Restorable (Reinforcement/C-Truss) Reject Pole, or Non-Priority Restorable (Reinforcement/C-Truss) Reject Pole.

RESPONSE: Consistent with and without waiving its June 26, 2019 Objections, ComEd's designations for "Priority Reject" and "Non-Priority Reject" depend on the height of the pole. For a pole 60 feet or less in height above ground (i.e., 65-foot poles or shorter), a pole is red tagged and rejected if it has a remaining strength of 67% or less. Poles of this height are deemed "Priority Reject" if they have 0% - 33% remaining strength. Poles of this height are deemed "Non-Priority Reject" if they have 34% - 67% remaining strength. For a pole greater than 60 feet in height above ground (i.e., 70-foot poles or taller), a pole is red tagged and rejected if it has a remaining strength of 75% or less. Poles of this height are deemed "Priority Reject" if they have 0% - 33% remaining strength. Poles of this height are deemed "Non-Priority Reject" if they have 34% - 75% remaining strength.

INTERROGATORY NO. 3:

State whether ComEd conducts Load Calculations of actual conditions on poles designated as “red tagged,” and if it does, for each pole for which Crown Castle has applied to attach that ComEd claims is red tagged, describe the Load Calculations performed, if any, including an explanation of the methodology that ComEd used to conduct the Load Calculations.

RESPONSE: Consistent with and without waiving its June 26, 2019 Objections, ComEd performs load calculations on Non-Priority red tagged poles as a prioritization mechanism. ComEd’s contractor Osmose performs the load calculation using Osmose’s “LoadCalc” software, and performs the calculation on all non-priority poles the week following inspection when the pole is being inspected on the ten-year cycle. The load calculation performed by Osmose is just an estimate which cannot determine what the exact load is but can provide enough of a determination to further classify the poles. Once the load calculation is done, ComEd further categorizes the poles for prioritization. In addition, a reject pole will have to be replaced or reinforced if additional load or equipment is to be added. There may be instances in which the pole replacement may no longer be like-for-like replacement due to additional equipment or load and it will require a full load analysis to determine the class of the replacement pole.

INTERROGATORY NO. 4:

If ComEd performs load calculations for Non-Priority Non-Restorable (Replacement) Reject Poles, identify the “set time frame” that ComEd works within to perform those load calculations for Non-Priority Non-Restorable (Replacement) Reject Poles.

RESPONSE: See ComEd response to Interrogatory No. 3.

INTERROGATORY NO. 5:

For each and every pole that Crown Castle has applied to attach to that ComEd has designated as red tagged, state the basis for denying Crown Castle access to each and every one of those poles.

RESPONSE: ComEd does not deny Crown Castle access to its red-tagged poles. Instead, like every other attacher (including ComEd itself), Crown Castle can attach to any red tagged pole by paying to have the pole replaced or reinforced.

INTERROGATORY NO. 6:

Describe the basis for prohibiting Crown Castle to install temporary fiber and wireless attachments on poles that ComEd has classified as “red tagged.”

RESPONSE: Consistent with and without waiving its June 26, 2019 Objections, until May 2019, ComEd had allowed Crown Castle to install temporary attachments on some red-tagged poles on a case-by-case basis, but ComEd still required Crown Castle to replace the pole. This practice was inconsistent with the company design standard requirement and resulted from a human performance element the company is following up on internally. In May 2019, ComEd’s Distribution Standards department was asked to review this practice and from that time forward disallowed that practice because no one on ComEd’s system, including ComEd, is allowed to install new temporary attachments on red-tagged poles. ComEd does not allow this practice for its own facilities and it does not allow it for other entities either.

INTERROGATORY NO. 7:

If You contend that ComEd does not have sufficient resources to process Crown Castle’s applications for attachments within timelines prescribed by the Federal Communications Commission, identify all facts and assumptions on which you rely to support such contention.

RESPONSE: Consistent with and without waiving its June 26, 2019 Objections and its rights to seek review of the Enforcement Bureau's July 22, 2019 ruling on ComEd's Motion to Dismiss,, until May 2019, now that the FCC has asserted jurisdiction over Crown Castle's attachments to ComEd's poles, ComEd will evaluate whether it has sufficient resources to process Crown Castle's applications within FCC timelines.

INTERROGATORY NO. 8:

Explain Your basis for prohibiting Crown Castle from directing third party contractors, approved by ComEd, to complete pre-construction surveys, make-ready estimates, or make-ready work.

RESPONSE: Consistent with and without waiving its June 26, 2019 Objections, Crown Castle requested that ComEd approve Thayer Power & Communication to conduct self-help complex and above the communications space make-ready and simple make-ready work. ComEd has not approved Thayer as a contractor because ComEd has a process to qualify contractors and Thayer has not gone through that process. Thayer is are not a contractor of choice and despite Crown's representation that Thayer was an approved vendor, ComEd's records reflect no such arrangement.

INTERROGATORY NO. 9:

Since January 1, 2014, for each and every red tag pole designated by You as Priority Non-Restorable (Replacement), Priority Restorable, Non-Priority Non-Restorable (Replacement), or Non-Priority Restorable, identify the date the pole was designated as red tag, the date it was replaced, and the standards or criteria used to designate it as Priority Non- Restorable (Replacement), Priority Restorable, Non-Priority Non-Restorable (Replacement), or Non-Priority Restorable.

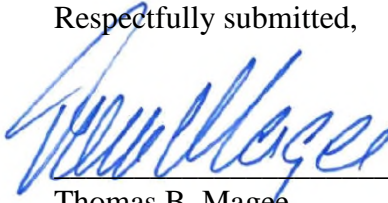
RESPONSE: ComEd objects to providing a response for the reasons stated in its June 26, 2019 Objections.

INTERROGATORY NO. 10:

Describe ComEd's pole inspection program, including but not limited to the scope of work for inspecting wood poles, such as the steps, if any, that are include in addition to visual inspection and any remedial treatments applied during the inspection.

RESPONSE: Consistent with and without waiving its June 26, 2019 Objections, ComEd uses a 10-year cycle for inspecting its poles, which means that ComEd inspects each of its poles once every ten years. Immediately upon inspection, ComEd treats "non-priority" poles with a pole treatment product from Osmose in order to control the decay, maintain the asset, and "extend the useful life" of the pole. There is an exception for treatment in that poles located on school properties, parks, playgrounds, and in wetlands do not receive a groundline treatment. As explained on the Osmose website: "Applying effective remedial treatments to extend the safe, reliable service-life of the pole. Remedial treatment is the key to getting the most out of your investment. The use of remedial treatments will earn dividends via extended pole life and improved plant resiliency."

Respectfully submitted,



Thomas B. Magee
Timothy A. Doughty
Keller and Heckman LLP
1001 G Street NW
Suite 500 West
Washington, DC 20001
(202) 434-4100 (phone)
(202) 434-4646 (fax)
magee@khlaw.com
doughty@khlaw.com

Attorneys for Commonwealth Edison Company

July 20, 2019

**AFFIRMATION
OF
BRADLEY R. PERKINS,
COMMONWEALTH EDISON COMPANY**

I, Bradley R. Perkins, do affirm as follows:

1. My name is Bradley R. Perkins. I serve as Assistant General Counsel at Commonwealth Edison Company ("ComEd"); and
2. I attest that the information included in ComEd's Response to Complainant Crown Castle Fiber LLC's First Set of Interrogatories in the Access Complaint was gathered under my supervision.

Executed on July 22, 2019



Bradley R. Perkins
Assistant General Counsel
Commonwealth Edison Company

CERTIFICATE OF SERVICE

I, Timothy A. Doughty, hereby certify that on this 22nd day of July 2019, a true and authorized copy of Commonwealth Edison Company's Second Set of Responses to Complainant Crown Castle Fiber LLC's First Set of Interrogatories was served on the parties listed below via electronic mail and was filed with the Commission via ECFS.

Marlene J. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington, DC 20554
ecfs@fcc.gov
(By ECFS Only)

Anthony DeLaurentis
Federal Communications Commission
Enforcement Bureau
445 12th Street SW
Washington, DC 20554
Anthony.DeLaurentis@fcc.gov

Ryan Appel
Davis Wright Tremaine LLP
1919 Pennsylvania Avenue NW, Suite 800
Washington, DC 20006
ryanappel@dwt.com

Lisa Saks
Federal Communications Commission
Enforcement Bureau
445 12th Street SW
Washington, DC 20554
Lisa.Saks@fcc.gov

T. Scott Thompson
Davis Wright Tremaine LLP
1919 Pennsylvania Avenue NW, Suite 800
Washington, DC 20006
scottthompson@dwt.com

/s/

Timothy A. Doughty